

DECLARATION, POWER OF ATTORNEY AND PETITION

I, Eric Ryba, declare that I am a citizen of the United States of America, that my residence and post office address is 3133 Briand Avenue, San Diego, California 92122; that I verily believe I am the original, first, and sole inventor of the subject matter of the invention or discovery entitled RESHAPEABLE TIP FOR A CRYOPROBE, for which a patent is sought and which is described and claimed in the specification attached hereto; that I have reviewed and understand the contents of the above-identified specification, including the claims; and that I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Section 1.56(a) of Title 37 of the Code of Federal Regulations.

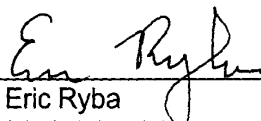
I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

I hereby appoint as my attorneys NEIL K. NYDEGGER, Registration No. 30,202 and MATTHEW K. HILLMAN, Registration No. 45,89, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. All correspondence and telephonic communications should be directed to:

Neil K. Nydegger, Esq.  
NYDEGGER & ASSOCIATES  
348 Olive Street  
San Diego, California 92103  
Telephone: 619-688-1300  
Facsimile: 619-688-1322

Wherefore, I pray that a letters patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, declaration, power of attorney, and this petition.

Signed at San Diego, California, this 21st day of  
August, 2003.

Inventor   
Eric Ryba  
3133 Briand Avenue  
San Diego, California 92122

declpoapet:ddb  
Docket: 11350.23